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Clerk, US District Court
Western District NC

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA

UNITED STATES,

CASE NO: DNCW-311-CR-00358-001

v.

NIDAL KHALED NASRALLAH, /

MOTION TO REQUEST HOUSE DETENTION
ON THE REMAIN SENTENCE IMPOSED
PURSUANT MOVANT DUE PROCESS RIGHT

Come now movant Nidal Khaled Nasrallah and through Pro Se, hereby respectfully moves this honorable court to request the house detention on the remain sentence imposed pursuant to the movant due process rights so movant continue his School Education.

STATEMENT OF CASE

1. On or about November of 2011 movant was arrested and charged with receiving property stolen in interstate commerce in violation of 18 U.S.C. § 2315 and § 1821 of count 6 and 7.

2. On or about July 30, 2013 movant was sentenced by the court to a term of 12 months imprisonment.

3. Movant has self surrender as requested by this court on September 2, 2014 at the D. Ray James Correction Facility.

4. Movant has a release date schedule for August 26, 2015.

STATEMENT OF ARGUMENT

The movant request that this court consider the relief of a house detention for the following reason:

1. Movant was released during pretrial and has comply with all requirements and demands imposed by the court.

2. The movant has show by clear and convincing evidence that he is not a flight risk or pose any danger to the safety of any person or the community. See 18 U.S.C § 7143(1)(A); Fed. R. App. P.9(c); Fed. R. Crim. P.46(c); See e.g., UNITED STATES v. SISOMM, 951 F.2d 494, 497 (2nd cir. 1991).

3. Movant has self surrender as court requested at the D. Ray James Correction Facility and does not have any disciplinary complain during the time he is currently serving.

4. The movant has right to equal treatment. CRAHAM v. RICHARDSON, 403 U.S. 365, 372(1971). Holding a different nationality or citizenship should not deprive any one defendant to a due process rights due to that, from defendant to defendant there is no differences. Both live and comport under the same laws, rule, policies and standards of such constitution. [EQUAL RIGHTS PROTECTION AMENDMENT I, VI, VII AND XIV]. Hence, movant has being precluding from participation in several BOP programs such minimum security facility and "halfway house" in which the administration of D. Ray James Correction Facility has deprive movant the right to submit the application by them, violated his due process rights.

5. Furthermore, by granted this request to an house detention for the movant remain sentence, tax-payers or prosecutorial resources will be saved, and a reduction of BOP'S budget will be result by allowing movant such relief.

6. This court should take into consideration the fact that movant only request such relief in order to pursue his school education MBA [Master Degree]. This honorable court has knowledge in this matter as the movant was allowed to self surrender after the sentence was imposed so he could continue his education. On May of 2014, with a GPA of 3.6 movant has graduated at the University of North Carolina with Bachelor in Finance/Concentration in accounting.

Movant moves this court and request that he could be granted the house detention in order to be able to *apply* on time his application at the Queens University and appropriate prepare for the continue of his education for Master Degree that is due in August 2015. By missing the time frame *to* apply for the classes in July 2015, movant will be prejudice as will only be allowed to continue until the end of 2016 to concluded his education, finances and future opportunity.

7. In this case the court should consider the following factors in granted the request for a house detention for the remain 3 months of the movant sentence imposed of 12 months as (1) the nature and circumstances of the offense; (2) the defendant's history and characteristics; (3) the need for deterrence and public protectio; (4) the defendant's need for educational or vocational training, medical care, or other treatment; (5) the kinds of sentences and the sentencing range establishes for the offense; and (6) and the commission's sentence disparitie among movant conviction of similar conduct.

CONCLUSION

The movant has the same rights as any other defendant to a due process. Movant has being precluding of participation in BOP programs such "Halfway House" in this private prison administate by GEO Group Inc. and D. Ray James C.I. under Warden T. John.

The Fifth Amendment guarantees due process, and due process requires the opportunity to be heard at a meaningful time and meaningful manner.

Movant requesting this court to hear his argument now at bar in the matter of his continue education future.

The issue presented for this court consideration was submitted respectfully and are support by facts, laws and by the interest of movant liberty and education future. Movant prays that this court grant this motion, when is clear that he was deprive to participate in the programs available through BOP including the "Halfway House" that was denied by the administration of D. Ray James C.I.

The movant affirm that he request the house detention only and for the reason to continue his education master degree that is very important to him and to his family.

Movant abides by any rules and special condition may be imposed by this court even if this court believe is necessary an eletronically monitored bracelet.

Base upon the foregoing, it is respectfully requested that this court grant this motion in total so movant could be able to apply on time and continue his school education on time.

Respectfully Submitted,

Nidal Khaled Nasrallah

NIDAL KHALED NASRALLAH

REG NO: 26882-058

D. RAY JAMES C.I.:

P.O. BOX 2000

FOLKSTON GA 31537

PROOF OF SERVICE

I, Nidal Khaled Nasrallah, do certify that this May 18, 2015, I have serve the attached motion to request a house detention that is under the movant constitutional rights on the WESTERN District of North Carolina in the above proceeding. I have serve the WESTERN District of North Carolina via, United States Postal Service (USPS) firs-class mail, through D. Ray James C.I. legal mail service.

Nidal Nasrallah

NIDAL KHALED NASRALLAH

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